

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.1098 OF 2004

Sameer Madhukar Chavan ... Applicant

Vs.

State of Maharashtra & Ors. ... Respondents

Mr. C.K.Pendse i/b. Ms. Jyoti Chavan for applicant.

Mr.U.V.Nikam, APP, for State.

CORAM: S.K.SHAH, J.

DATE : 25th April, 2006.

P.C.

1. Heard learned Counsel for the applicant. By this Application, what is challenged is the order passed by the Magistrate allowing the legal representatives to be substituted in place of the original complainant who expired in a prosecution filed under Section 138 of the Negotiable Instruments Act.

2. I do not find any merit in the Application. The legal representatives can pursue the cause of action on the basis of which the complaint was filed.

The Application is, therefore, dismissed.

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(S.K.SHAH, J.)